

### REMARKS

Claims 1-8 are pending in the application. Claims 1-8 are rejected.

Claims 2, 3 and 8 have been cancelled herein.

Claim 1 has been amended and claim 9 has been newly added.

The amendment is based on the description on page 7, lines 16-18, lines 19-24, and page 17, line 11 through page 18, line 18. No new matter is entered.

#### A. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 5, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellington, Jr. et al. (USP 6,175,569) (hereinafter Ellington) in view of Law et al. (USP 6,330,602)(hereinafter Law). Claims 2-4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellington in view of Law as applied to claims 1, 5 and 7 above, and further in view of Ellesson et al. (USP 6459682).

It is respectfully submitted that the combination of the Ellington and Law references fail to provide many of the limitations of applicants' pending claims.

Law describes managing the volume of traffic and not the character of traffic. That is, even if a burst data transfer is performed or a data transfer rate is constant, the character of traffic is ignored (according to Law,s method) and only the bandwidth is calculated. Accordingly, a statistical multiplexing effect on an ATM network which will be obtained by using VBR services cannot be obtained. The method of Law expends bandwidth for CBR services, and thereby a loss occurs. When the number of connections increases, bandwidth necessary for providing CBR services cannot be secured resulting in performance degradation.

In contrast, applicant's claimed invention has a QoS which an ATM network is to guarantee is determined according to the character of traffic. Necessary bandwidth is calculated and network resources are used effectively. For example Claim 1 has a routing information managing means for managing routing information.

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